

JUL 09 2004

OFFICIALPATENT
Attorney Docket No.: 74120-301397
(Formerly 12128-065001)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael Baj	Examiner: Huy Duy Vu
Application No.: 09/826,697	
Filed: 04/05/2001	Art Unit: 2661
For: QOS TESTING OF A HARDWARE DEVICE OR A SOFTWARE CLIENT	
Confirmation No.: 4200	

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

I CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE USPTO OR DEPOSITED WITH THE U.S. POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON THE DATE SHOWN BELOW.

Denise E. Vario 7/9/04
Signature Date

**COMBINED POWER OF ATTORNEY AND REVOCATION OF PRIOR POWER
BY ASSIGNEE OF ENTIRE INTEREST AND SUBMISSION UNDER 37 C.F.R.
§§ 3.71 AND 3.73(b)**

Sir:

As an officer of Level 3 Communications, Inc. ("assignee"), I hereby certify that the assignee is the owner by assignments of the entire right, title, and interest in and to the patent application identified above by virtue of either:

- A. The assignment(s) from the inventor(s) of the patent application identified above,
 1. a copy of which is attached; or
 2. which is recorded in the U.S. Patent and Trademark Office at Reel _____, Frame _____, a copy of which is attached.

OR

- B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:
1. From: Michael Baj To: Genuity, Inc.

Application No.: 09/826,697
Page 2

The document was recorded in the U.S. Patent and Trademark Office at Reel 011962, Frame 0711, or for which a copy thereof is attached.

2. From: Genuity, Inc. To: Level 3 Communications LLC

The document was recorded in the U.S. Patent and Trademark Office at Reel 014324, Frame 0285, or for which a copy thereof is attached.

3. From: Level 3 Communications LLC To: Level 3 Communications, Inc.

The document was recorded in the U.S. Patent and Trademark Office at Reel 014653, Frame 0859, or for which a copy thereof is attached.

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the captioned application is to be conducted to the exclusion of the inventors.

The undersigned (whose title is supplied below) is authorized and empowered to sign this statement on behalf of the assignee.

**REVOCATION OF PRIOR POWERS OF ATTORNEY
AND NEW POWER OF ATTORNEY**

As assignee of record of the entire right, title, and interest in the above-identified patent application per the Statement under 37 C.F.R. §§ 3.71 and 3.73(b), all powers of attorney previously given are hereby revoked, and I hereby appoint the registered patent attorney(s) and/or agent(s) of FAEGRE & BENSON LLP, associated with Customer No. 35657, to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected herewith.

Please note the new Attorney Docket No.: 74120-301397.

Send all correspondence relating to this matter to:

CUSTOMER NO. 35657
Michael DeSanctis
FAEGRE & BENSON LLP
3200 Wells Fargo Center
1700 Lincoln Street
Denver, CO 80203-4532

Direct all telephone calls to Michael DeSanctis at (303) 607-3633.

Application No.: 09/826,697
Page 3

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

LEVEL 3 COMMUNICATIONS, INC.

By: 

Name: Daniel L. Marrow

Title: VP-Legal

Date: 7/6/04

DNVR1.60258174 01

FAEGRE & BENSON LLP

**RECEIVED
CENTRAL FAX CENTER**

3200 WELLS FARGO CENTER, 1700 LINCOLN STREET
DENVER, COLORADO 80203-4332
TELEPHONE 303-607-3500
FACSIMILE 303-607-3600
www.faegre.com

JUL 09 2004

OFFICIAL**FACSIMILE TRANSMISSION**

FROM: Denise Voris for Michael A. DeSanctis, Reg. No. 39,957 **TELEPHONE:** 303/607-3500

DATE: July 9, 2004 **TIME:** 1:30 p.m. (Denver)

NUMBER OF PAGES (including this page): 4

F&B FILE: 297788

REC: 0025

TO: Commissioner for Patents

TELEPHONE:

703-872-9306

MESSAGE**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket No.: 74120-301397 (formerly 12128-065001)
 Application No.: 09/826,697
 Filed: 04/05/2001
 Applicant(s): Michael Baj
 Title: QOS TESTING OF A HARDWARE DEVICE OR A SOFTWARE CLIENT
 Examiner: Huy Duy Vu
 Group Art Unit: 2661
 Confirmation No.: 4200

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

I hereby certify that this (1) Transmittal Form, and (2) Combined Power of Attorney and Revocation of Prior Power by Assignee of Entire Interest and Submission, including a Change of Correspondence Address for a Patent, are being facsimile transmitted to the United States Patent and Trademark Office Fax. No. (703) 872-9306 on July 9, 2004.

Denise E. Voris

(Typed or Printed Name of Person Signing Certificate)

Denise E. Voris

(Signature)

DNVR1.6027111801

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL DENISE VORIS AT 303-607-3759.

THIS TELECOPY IS INTENDED ONLY FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.